



## Flexible Working Policy

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# Flexible Working Policy

## 1. Policy statement

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Cleveland Police and the OPCC want to ensure that we support our police officers and staff, to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning, and other interests. We are committed to considering and agreeing any flexible working arrangements provided that the needs and objectives of both the Organisation and the individuals can be met.

The policy is based on mutual trust and requires the co-operation and flexibility of individuals, groups, and the Organisation to maximise the benefits to both the individual and the Organisation.

### **Please Note:**

Cleveland Police and the OPCC will be referred to as the Organisation for the purposes of this policy. Police officers and police staff will be referred to as individuals.

## 2. Purpose

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The purpose of this policy is to outline the Organisation's approach and principles associated with flexible working requests; supporting all parties included in the process and to meet legislative requirements.

This policy is in line with Police Regulations, the Police Staff Council (PSC) Handbook, Government legislation (including the [Employment Rights Act 1996](#)) and the [ACAS code of practice for flexible working](#).

This policy must be applied fairly, equally, and consistently irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or any other unjustifiable grounds.

### **Scope**

This policy applies to both police officers and police staff (including employees of the Office of the Police and Crime Commissioner (OPCC) for Cleveland).

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### 3. General Information

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This section provides some general information about flexible working for individuals.

#### 3.1 What is Flexible Working?

Flexible working requests will be reviewed in a fair, open and transparent way showing integrity, promoting good practice for all, and will be considered in relation to the needs and requirements of the individual and the Organisation.

Flexible working is any type of working arrangement that gives some degree of flexibility for individuals on:

- The number of hours they work
- When they start or finish work
- The days they work
- Where they work

The Government website confirms information about flexible working and can be accessed [here](#).

#### 3.2 Eligibility for Statutory Flexible Working Requests

The Employment Rights Act 1996 sets out the statutory right to request flexible working. The Act defines a statutory request as a request for a change to an employee's terms and conditions relating to their hours, times, or place of work.

Statutory Flexible working requests allow:

- Individuals to apply for flexible working, which **must be in writing** via the flexible working application form. The form must be fully completed and include all relevant information (see [section 4.1](#))
- Individuals the right to submit a flexible working request, from **day one of employment**, in line with the Flexible Working (Amendment) Regulations 2023.
- The Organisation to review, discuss/consult, with the individual, and provide a decision for the request (including any appeal process), normally within a **two month** period, from the date of the initial request. **Please Note:** There may be occasions where the time period may need to be extended, please see [section 4.5](#) for further information.
- Individuals the right to submit **two** statutory requests for flexible working within a **12 month period**.
- Individuals to have only **one live request** for flexible working with the Organisation at any one time.

## Live requests

Once a request has been made, it remains live until any of the following occur:

- A decision about the request has been made by the Organisation.
- The request is withdrawn.
- An outcome has been mutually agreed.
- The statutory two month period for deciding requests has ended, and there has been no extension to this time period.
- Any appeal process has been concluded.

### 3.3 Reasonable Adjustments and Accommodations

The Organisation is dedicated to supporting the wellbeing of individuals within the workplace.

In line with the Equality Act 2010, it is sometimes appropriate to review requests and implement accommodations or reasonable adjustments to support an individual during the process, where this is possible.

The difference between a reasonable adjustment and an accommodation can be described below:

- A **reasonable adjustment** refers specifically to a requirement within the legislation relating to a qualifying disability under the Equality Act 2010.
- **Accommodations** may be considered and supported in a wider range of circumstances (for example, allowing an individual with a back issue a change of a chair).

This support could be implemented for any meetings that an individual may attend as part of the process, or in the provision of additional support to complete the required information.

### 3.4 Right to Accompaniment

Individuals have the right to be accompanied at the consultation and appeal meetings by one of the following:

- **Police Officers**      A Federation representative or police friend
- **Police Staff**        A trade Union representative or work colleague.

Where an individual wishes to be accompanied they must advise the appropriate chair with prior notice before the meeting.

### 3.5 Advertisement of Posts

All posts are open to applications that require flexible working unless specifically indicated in the advertisement.

If an individual wishes to understand why a post is not suitable to be considered for part-time or job-share working, then they can request this and will be entitled to written feedback, of the reasons by the appropriate manager.

### **3.6 Record Keeping**

The HR team will record and monitor all changes affecting individuals working hours and this will be recorded on the Oracle system.

Information stored must be kept in line with Data Protection Legislation and Cleveland Police's Information Management and Data Protection Policy (available [here](#)).

### **3.7 Part Time Working – Police Staff**

All posts are suitable for job sharing or part-time working unless an exceptional case can be made.

Where an existing job sharer leaves the remaining job sharer is to be given the opportunity to return to, or to undertake full-time work.

**Please Note:** Police staff do not have the right to increase their working hours in any other circumstances.

### **3.8 Part Time Working – Police Officer**

The provision of part-time working applies to all police officers regardless of rank and is defined as a police officer working on average less than 40 hours per week.

An individual may apply to change the number of hours worked or the working pattern in line with flexible working legislation and processes within this policy.

Those individuals who have been working on a part-time basis and wish to return to working full-time, on giving written notice of their return to work full-time, will be appointed by the Chief Constable within two months if there is a suitable vacancy. In any case, the officer will be appointed to a full-time post within four months of the written notice being received.

Police officers who join the force part-time do not have the right to move to full-time hours.

### **3.9 Part-time Working for Police Student Officers**

Student Officers may apply to work part-time within the following constraints:

- The initial 30 week study period must be completed on a full-time basis.
- The probationary period will depend on the entry route and will normally, be a minimum of 2 years. This will be extended, on a pro rata basis, to match the reduced average hours per week.

- Part-time student officers will not be exempt from working shifts, including night duty. As with all part-time workers, rosters should be discussed and agreed by Local Management.
- Part-time student officers should work a shift pattern consistent with a named supervisor to ensure continuity of supervision.

Applications from student officers to reduce the number of hours worked will be dealt with in the same way as with established police officers.

#### 4. Flexible Working Requests Process

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This section confirms the process to be followed when an individual wishes to complete a statutory flexible working request.

##### **Please Note:**

When requesting/reviewing flexible working requests, the [Working Time Regulations 1998](#) should also be considered (as appropriate).

#### 4.1 Application Request for Flexible Working

The Organisation is committed to providing a range of appropriate working patterns where possible. We recognise that not all flexible working options will be appropriate for all roles.

Where a flexible working arrangement is proposed, the Organisation will need to consider a number of criteria including (but not limited to) the following:

- The costs associated with the proposed arrangement.
- The effect of the proposed arrangement on other individuals.
- The need for and effect on managers (supervision).
- The existing structure of the business area.
- The availability of resources.
- Details of the tasks specific to the role.
- The workload of the role
- Whether the request is for a reasonable adjustment related to a disability.
- Health and Safety issues.
- The ability to attend workplace at short notice if recalled to duty, or required by the Organisation, or to rectify issues with Organisation issued equipment.
- Appropriate internet connections and workspace confidentiality etc (when working remotely).

**Each request will be considered on an individual basis, taking into account, the circumstances of the request.**

Individuals wishing to request flexible working must complete the following documents:

- **Flexible Working Request form** which **must** be fully completed to be considered. The form will be returned where the information has not been fully completed.
- **Shift Pattern Calculator Form** where there is a change in hours/patterns.

Both forms are available on the HR SharePoint page [here](#).

**(Please ensure that you file and 'save as' to save a copy onto your own computer and do not save over the copy on the SharePoint.)**

Flexible working requests should be submitted to an individual line manager in the first instance, and reviewed and approved by the relevant approving authority (please see [section 4.3](#) for approvers).

**Please Note:**

If an individual is making a request in relation to the Equality Act 2010 e.g. as a reasonable adjustment relating to a disability, this should be made clear in the request.

The Human Resources (HR) team is available to provide advice and support as required.

#### **4.2 Flexible Working Request Consultation Meeting**

The Organisation has **two months** to fully deal with a flexible working request (including any appeal process). This time may be extended with prior agreement with the individual explaining the reasons for the extension.

**Any flexible working requests will need to be approved by the appropriate approving authority.**

Upon receipt of the flexible working request line managers will review the request, taking into consideration a number of criteria (see [section 4.1](#)).

#### **Consultation Meeting Not Required**

If the flexible working request can be agreed without the need for further discussions or alternative proposals, then a consultation meeting may not be required (please see [section 4.3](#) for further information about confirming the decision).

#### **Consultation Meeting Required**

The line manager will consider the details of the request and where necessary will arrange a consultation meeting with the individual to discuss the proposed changes, normally within **14 calendar days** of receipt of the request.



The meeting should be set at a mutually convenient time, date and place and prior notice will be provided.

The purpose of the consultation meeting is to:

- Find out more about the proposed working arrangements.
- Allow the individual to explain how the proposed working arrangements would benefit them.
- Discuss any alternative flexible working options that may be available and suitable, for the individual and Organisation.

If alternative options are discussed for consideration, then the shift pattern form will need to be updated accordingly with the changes.

**Please Note:** At the consultation meeting individuals should be as open as possible about their needs, so that the discussions are constructive about what is feasible.

### **Failure to Attend Meetings**

Applications may be deemed to be withdrawn if an individual does not attend meetings, please see [section 4.6](#) for further information.

### **4.3 Considering the Request and Confirming the Decision**

Following the consultation meeting, the proposed flexible working request will be reviewed with the approving authority and will consider the following:

- The potential benefits to both the individual and the Organisation.
- Any adverse impact of implementing the changes.
- Any requests that are being made as reasonable adjustments in line with the Equality Act 2010.

**All flexible working requests are reviewed and considered on a case by case basis.**

As part of the considerations the flexible working request may be granted in full, in part, or declined.

Where a request is granted in part the approving authority may for example:

- Propose a modified version of the request.
- Grant the request on a temporary basis.
- Grant the request on the basis that the arrangement is completed on an initial trial period.

In these circumstances this will be confirmed in any outcome confirmation and include the reasons.

## Approving Authority

The flexible working request proposal **must** be approved by the approving authority as below:

- **Police Officers** Rank of Superintendent
- **Police Staff Cleveland Police** Head of business area
- **Police Staff OPCC** Line Manager

The outcome of the request **must** be confirmed in writing, to the individual, within **7 calendar days** of the consultation meeting.

## Request Approved

The individual should be advised that the approving authority has approved their request in full or part.

Where a request has been approved in part then the written outcome will include the details of any alternative proposals, trial or temporary periods agreed (see [section 4.7 trial periods](#) and section [4.8 temporary periods](#)).

Line Managers **must** then send the request, the shift pattern form, and a copy of approval from the approving authority to the HR team via email at [erteam@cleveland.police.uk](mailto:erteam@cleveland.police.uk).

The HR team will complete a final check of the shift pattern form/allowances, and if correct will arrange to have the system updated and advise payroll (if required) of any changes.

Confirmation will be provided to the individual of when their new working pattern will commence via the HR Team.

For police staff employed by the Chief Constable of Cleveland or the OPCC, any change agreed will be a permanent change to their terms and conditions of employment, unless a trial or temporary period is agreed.

## Request Not Approved

Some requests for changes in working patterns may be declined (please see [section 4.4](#) for business reasons for declining an application).

If this is the case the individual should be provided with feedback, as to why this decision has been made.

The approving authority should also consider any other options which may be suitable to accommodate the flexible working request and discuss this with the individual.

**Please Note:** A refusal may not be permanent, and the decision may be reviewed at a later date if organisational circumstances change.

## 4.4 Business Reasons for Declining an Application

Under the Employment Rights Act 1996, refusal to accept an eligible individual's application for flexible working must be based on one or more specific grounds. These are:

- The burden of additional costs
- An inability to reorganise work among existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- A detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employee proposes to work
- A planned structural change to the business

An individual must always be advised of the reasons when an application has been declined.

If an individual wishes to appeal the decision, then they should follow the appeals process. (see [section 4.7](#))

## 4.5 Extending Timescales for Considering Requests

There may be circumstances where the timescales to consider a flexible working request may need to be extended further than the statutory two months.

In these circumstances, the line manager/approving authority, must agree the extension with the individual, confirming the reason why it is necessary and the length of the extension.

## 4.6 Withdrawing a Flexible Working Request

If an individual wishes to withdraw a flexible working request this **must** be **in writing** and confirm the date that the original application was submitted.

This should be sent to the line manager copying in the HR team email [erteam@cleveland.police.uk](mailto:erteam@cleveland.police.uk).

**Please note:** If a request is withdrawn this does count towards one of the two requests permitted in a 12 month period.

### Withdrawals due to Failure to Attend Meetings

If the individual fails to attend a meeting and then fails to attend a rearranged meeting without good reason (e.g. sickness absence), their application will be deemed to have been withdrawn.

Written confirmation will be provided to individuals in these circumstances to confirm that the application has been deemed as withdrawn.

#### 4.7 Flexible Working Trial Periods

Where there is some uncertainty about whether a flexible working arrangement is practicable for the individual and/or Organisation, a trial period may be agreed.

If a trial period is arranged the Organisation will allow sufficient time for an individual and their line manager to implement and become used to the new working arrangements.

Where the arrangements are suitable for the individual and the Organisation this will be confirmed with the individual and include any timescales.

The HR team are available to provide any advice and support.

#### 4.8 Flexible Working Temporary Changes

There may be occasions where changes in working arrangements may be required or agreed, on a long or short term temporary basis.

The Organisation will consider a variety of working options, which will vary based on the individual circumstances, with the emphasis on helping each individual in the best way possible, without any detriment to service provisions.

These options will be considered as part of any flexible working requests and discussed/confirmed with the individual.

Where the arrangements are suitable for the individual and the Organisation this will be confirmed with the individual and include any timescales

#### 4.7 Appeals Process

Individuals have the right to appeal the outcome of a flexible working request, which has been declined or partially agreed.

Any appeals should be submitted within **7 calendar days** of the initial request outcome being received, police officers and police staff should send appeal requests to, the approving authority as below:

<b>Commands</b>	Chief Superintendent
<b>Enabling Services</b>	Executive Team Member
<b>OPCC</b>	Chief or Deputy Chief of Staff

The appeal **must** set out the ground on which the individual is appealing the decision, with any appropriate information for consideration.

Upon receipt of the appeal the approving authority will review the request and confirm if an appeal meeting is appropriate.

The appeal form can be located on the HR SharePoint site [here](#).

## **Appeal Meeting Not Required**

If an appeal may be upheld without the need for a meeting the individual must be informed, in writing, within **14 calendar days** of receipt of the appeal.

The confirmation will include the changes that have been agreed and the date that they are to take effect.

## **Appeal Meeting Required**

Where an appeal meeting is required, the individual will be informed in writing with a mutually agreed date and time confirmed, the meeting will normally be held within **14 calendar days** of receipt of the appeal.

Individuals will have the right to be accompanied at the meeting, please see [section 3.4](#) for further information.

If the individual wishes to be accompanied, then they must advise the appropriate authority in advance.

## **Appeal Outcome**

Following the appeal meeting the individual will receive written confirmation of the outcome, within **7 calendar days** of the meeting.

If the appeal is upheld the individual must be given notice of the decision, the changes agreed and the date they are to take effect.

If the appeal application for flexible working is declined the individual will receive written confirmation, along with the business grounds which form the basis for the declined application. The individual will also be advised that there is no further right of appeal.

## **5. Roles and Responsibilities**

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This section confirms roles and responsibilities of those who may be involved in the process.

### **Individual Responsibilities:**

- Ensure that they have read and understood this policy.
- Adhere to the requirements of this policy which incorporates relevant regulation/legislation requirements.
- Ensure that flexible working request applications are fully completed.
- Attend relevant meetings and if unable to attend advise the relevant chair of the reasons.

- Provide as much information as possible and be open during flexible working request discussions, to ensure that the request can be considered fully.
- Be prepared to be flexible in seeking a successful solution that is of benefit to everyone.
- Advise the relevant person when they wish to be accompanied by a representative at any meetings.

**Line Managers (Supervisors):**

- Ensure that they have read and understood this policy.
- Adhere to the timelines within the policy when dealing with flexible working requests, including agreeing extensions to timelines as appropriate.
- Consider the information provided within the application and discussions to ensure that requests can be considered fully (including appropriate working time regulations).
- Ensure that the appropriate approval for any flexible working requests is provided.
- Ensure that applications and all information is completed appropriately and in a timely manner including the shift pattern calculator form.
- Ensure that the HR team are provided with the relevant paperwork and appropriate approval to check and process as approved flexible working requests.
- Ensure that any changes to working arrangements are implemented as necessary.
- Ensure that individuals request to reduce to part time hours are fully aware of pro rata principles including:
  - Not being entitled to overtime pay at an enhanced rate until they have completed the equivalent of full time hours.
  - Bank Holidays will be allocated on a pro rata basis.
  - Part time workers will have equal access to career break schemes, parental leave, and time off for dependents schemes.
  - Other benefits will be pro rata (i.e. shift allowance, unsociable hours, time off, sick pay, maternity pay etc, access to pension schemes and annual leave).
- Agreed working arrangements for individuals are implemented and reviewed accordingly, including where a trial period or temporary working period has been agreed.

**Approving/Appeal Authority Responsibilities:**

- Ensure that they have read and understood this policy.
- Adhere to the timelines within the policy when dealing with flexible working requests and appeals, including agreeing extensions to timelines as appropriate.
- Consider the information provided within the application and discussions to ensure that requests can be considered fully (including appropriate working time regulations).

- Provide relevant outcomes to flexible working requests/appeals as appropriate.
- Arrange meetings at a mutually convenient time.

**Human Resources Team:**

- Provide any advice and support to individuals and managers.
- Check shift pattern forms received with applications to ensure that they are correct.
- Ensure that the appropriate approvals are received in line with the flexible working request policy.
- Ensure that any approved requests/appeals are actioned appropriately, and where necessary, system and contract changes are completed, with confirmation to the individual and line managers.
- Advise payroll of any appropriate changes in line with approved flexible working requests.

**Payroll Team:**

- Ensure that any requested changes to pay are actions appropriately.
- Any queries are raised with the appropriate person.

**6. Accompanying Documents**

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All accompanying documents are located on the Human Resources SharePoint site, under Flexible Working Policy [here](#).

Document	Description
FWD001	Flexible Working Request Form
FWD002	Shift Pattern Calculator Form
FWD003	Guide How to complete the Shift Pattern Calculator Form
FWD004	Outcome of Flexible working Request Confirmation
FWD005	Appeal Form
FWD006	Appeal Outcome Confirmation

**7. Related Policies**

The following policies and procedures related to this procedure can be located on the Force Policy SharePoint site [here](#).

- Career Break Policy

- Flexitime Policy
- Overtime Policy
- Health and Safety Policy
- Lone Working Policy

## 8. Compliance and monitoring

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The Head of HR is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of HR will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

## 9. Version control

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This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
1.0	June 2011	SDG agreed version	████████
1.1	Aug 2011	Revised Appendices to include invitation letters to flexible working meeting(s)	████████
1.2	July 2012	Updated as a result of Winsor 1	████████
1.3	July 2012	Updated as a result of Winsor 1 and force monitoring requirements for A06.10A	████████
1.4	July 2012	Change of Policy name from Part Time and Flexible Working	████████
1.5	Nov 2012	Policy amended to reflect introduction of PCC, statement only	████████
1.6	01.04.14	Policy amendment to include the Office of the Police and Crime Commissioner for Cleveland	████████
1.7	01.04.14	Policy amendment in light of legislative changes to flexible	████████



		working under the Families Act 2014	
1.8	01.07.14	Policy amendment to reflect 8 valid business reasons for refusing a flexible working application	████████
1.9	01.10.14	Policy amend to reflect change in workflow for flexible working applications plus appeals	████████
1.10	24.08.15	Policy amend to request inclusion of shift pattern template with A06.10 flexible working applications	████████
1.11	09.08.16	Policy amended @ para 3.2	████████
1.12	June 18	Review date extended	████████
1.13	Oct 2019	Review date extended	████████
1.14	Apr 2020	Addition of COVID 19 message	████████
1.15	Jan 2021	Review – no changes required	████████
1.16	April 2024	Review of policy completed Additional of new legislation as of 6 Apr 2024.	████████